

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

CONE FINANCIAL GROUP, INC.

PLAINTIFF,

Civil Action No. 7:09-cv-00118-HL

v.

EMPLOYERS INSURANCE COMPANY
OF WAUSAU,

DEFENDANT.

STIPULATION OF DISMISSAL

COME NOW, Plaintiff Cone Financial Group, Inc. and Defendant Employer's Insurance Company of Wausau and pursuant to Fed. R. Civ. Pro. 41(a)(1)(ii) stipulate to the dismissal of this case upon the following terms, as are more fully detailed in the parties Settlement Agreement which is attached hereto and incorporated by reference:

- 1) This dismissal is **with prejudice only** as to the Breach of Contract/Improper Invoice Claim contained in Count III of Plaintiff's Second Amended Complaint, Plaintiff retaining no right to appeal Count III;
- 2) This dismissal is **without prejudice** as to any and all other claims that were or could have been asserted in this action, subject to Plaintiff's right to appeal from the trial Court's prior orders dismissing claims and/or denying leave to re-plead or amend certain claims.

Jointly Submitted this 11th day of August, 2011

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